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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/244,361	02/04/1999	STEVEN CHOW	4103-26421	3662

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EXAMINER

NGUYEN, STEVEN H D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 03/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/244,361

Applicant(s)

CHOW ET AL.

Examiner

Steven HD Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10,12,20,22 and 39-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10,12,20,22 and 39-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/2/04 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10, 12, 20, 22, 30 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As claim 10, lines 12-13, claim 20, lines 10-11, and claim 30, lines 14-15, the recitation "the first data rate buffer " and "the second data rate buffer" does not refer to any previous elements.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 10, 12, 20, 22 and 30-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeSomer (USP 5173901) in view of Servel (USP 4884264).

Regarding claim 10, 20 and 30, Desomer discloses (Figs 1-2 and col. 1, lines 8 to col. 5, lines 12) a system and method (Fig 1, Ref MX for multiplexing the received synchronous bit stream and asynchronous bit stream onto a time division multiplex frame) for receiving a synchronous data stream for clocking into the first data rate buffer (Fig 1, Ref RC1 for storing the synchronous stream into an input queue based on a receiving clock F2) and an asynchronous data stream for clocking into the second data rate buffer (Fig 1, Ref RC 2 for storing the asynchronous stream into an input queue based on a receiving clock F1) and transmitting an output stream in time division multiplexing from the first and second data rate buffers onto the communication link at a clock of output rate from the source to destination (Fig 1, source Ref TC1 for multiplexing the signals from RC1 and RC2 onto a time division multiplexing frame at a clock out rate F1 to a destination RC3); See col. 3, lines 22-50. However, Desomer does not

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fully disclose a method and system for receiving a synchronous data stream having a first average data bit rate and an asynchronous data stream having a second average data bit rate and outputting an output bit stream from the synchronous buffer and an asynchronous buffer wherein the output bit stream comprising each J bit of a sequential plurality of bits of the synchronous buffer to define first bits of the output bit stream and at least one bit of the sequential plurality of bits other than the first bits is output from the asynchronous buffer wherein the sequence plurality of time periods includes at least first and second sub-pluralities of time period. In the same field of endeavor, Server discloses (Figs 1-6 and col. 1, lines 5 to col. 17, lines 67) a method and system for receiving a synchronous data stream having a first average data bit rate and an asynchronous data stream having a second average data bit rate and outputting an output bit stream from the synchronous buffer and an asynchronous buffer (Col. 1, lines 36 to col. 2, lines 24 and col. 3, lines 59 to col. 4, lines 30) wherein the output bit stream (See col. 5, lines 36 to col. 7, lines 59) comprising each J bit of a sequential plurality of bits of the synchronous buffer to define first bits of the output bit stream and at least one bit of the sequential plurality of bits other than the first bits is output from the asynchronous buffer wherein the sequence plurality of time periods includes at least first and second sub-pluralities of time period; wherein the first sub-plurality of time periods includes every other time of the sequential plurality of the sequential of time period (Col. 1, lines 36 to col. 2, lines 24 and col. 3, lines 59 to col. 4, lines 30 discloses a system for receiving an average rate of synchronous data stream for storing into a synchronous memory and an average rate of asynchronous data stream for storing into an asynchronous memory and multiplexing the received synchronous and asynchronous data stream the multiplexing frames "plurality of periods" wherein each frame having a plurality of sub time

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period, the first bits of the transmitted frame are the received synchronous data stream “Fig 1, Ref IT1, defined the first bits stream of the received synchronous data stream” and second bit data stream of the multiplexed frame contains the received asynchronous data stream “IT3 contains at least one bit of the asynchronous data stream”; the frame contains the first sub-plurality of time periods includes every other time period of the sequential plurality of time period, See Fig 1 is time division multiplexing frame includes a plurality of time slots wherein the first sequential of sub-plurality of time periods is synchronous block and the other sequential of sub-plurality of time periods are asynchronous time slot and the frame is repeated during a transmission of the synchronous and asynchronous data stream, See col. 5, lines 36 to col. 7, lines 59).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a method and system for multiplexing the received synchronous data stream before multiplexing the received asynchronous data stream onto a multiplexed frame having a plurality of time periods as disclose Servel’s method and system into Desomer’s method and system. The motivation would have been to provide a point-to-point communication.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Francois (USP 4905225) discloses a method and system for timing multiplex hybrids.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848.

The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Steven HD Nguyen
Primary Examiner
Art Unit 2665
3/15/04